

Serial No.: 09/738,801

Attorney Docket No.: 2000P09081US

REMARKS

Upon entry of the instant Amendment, Claims 1-22 are pending. Claims 1, 4, 10, 16 and 19 have been amended, and claim 22 has been added, to more particularly point out Applicant's invention.

Claims 1-7 and 9-20 were rejected under 35 U.S.C. 103 as being unpatentable over Budge et al., U.S. Patent No. 6,014,689 ("Budge") in view of Liwerant et al., U.S. Patent Publication No. 2005/0246752 ("Liwerant"). Applicant respectfully submits that the claimed invention is not taught, suggested, or implied by Budge or Liwerant, either singly or in combination.

As discussed in the specification, an aspect of the present invention is to provide an improved video e-mail system. Certain embodiments include a video input device with a video e-mail controller, and a Web Access Device processor implementing video capture, e-mail and compression selection programs. In operation, a user activates the video e-mail controller, for example, by pushing or clicking a button. The video input device sends a video stream to the Web Access Device processor which is stored until the user clicks or pushes the button again. The Web Access Device processor then activates the e-mail program, opens a "compose" window, and automatically attaches the stored video file as an attachment to the e-mail. The video attachment may then be sent, without necessitating, for example, an accompanying transmission of a video player.

Thus, Claim 1 has been amended to recite "and transmitting the at least a portion while the video player remains at the sender;" claims 4 and claim 10 have been amended to recite "said Web Access device configured to. . . transmit the video images without a video player;" and claim 16 and 19 have been amended to recite "transmission as an attached e-mail file without a video player." Support may be found throughout the Specification, which describes attaching video files to an e-mail.

In contrast, as discussed above and in response to the previous Official Action, Budge appears to require the user to access (LOAD) a video file and then manually

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activate the MAIL button 670. Presumably, then, the user must manually attach the file. However, Budge does not appear, inter alia, to automatically attach, without user interaction, the video file to an e-mail compose window for transmission. Thus, Budge appears representative of problems solved by implementations of the present invention, which allow for automatic loading or attachment of video files.

Further, while Liwerant provides a "Share as a video email button" 810, Liwerant provides for embedding a Windows Media Player inside an e-mail with a link to a VideoShare hosting service (e.g., on host computer 60, which is separate from home PC environment 10). Thus, if anything, Liwerant teaches away from the claimed invention. Thus, neither reference automatically attaches, without user interaction (responsive to a same signal), the video file to an e-mail compose window without a video player for transmission.

Claim 8 was rejected under 35 U.S.C. 103 as being unpatentable over Budge, Liwerant, and Ludwig et al., U.S. Patent Application Publication No. 2005/0144284 ("Ludwig"). Budge and Liwerant have been discussed above. Ludwig is relied on for allegedly teaching a TV screen. However, like Budge and Liwerant, Ludwig does not appear to automatically open an e-mail window or attach the video file. On page 33, paragraph [0636], Ludwig clearly states "when a user, at 1404, initiates a new e-mail message, the source e-mail system queries, at 1406, whether the user intends to attach a video attachment to the e-mail."

Thus, any attaching occurs with manual selection and manual opening of the – mail application by the user. Thus, if anything, Ludwig is representative of problems solved by the present invention, which provides a simplified method for generating and attaching video files to e-mail. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claim.

Claim 21 was rejected under 35 U.S.C. 103 as being unpatentable over Budge. For reasons similar to those discussed above, Applicant respectfully submits that claim 21 is likewise nonobvious over Budge.

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Claim 22 is generally similar to claim 1, but recites that the video file is attached in accordance with the present invention as a sole attachment. Again, support is found throughout the Specification.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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